

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 2/5/20

Connie Avaras on behalf of A.A.,

Plaintiffs,

v.

Clarkstown Central School District, Board of
Education, and the New York State Department
of Education,

Defendants.

Case No. 15-cv-02042 (NSR)

**~~Proposed~~ Order Regarding
Third Amended Complaint**

WHEREAS, the Court ordered the Plaintiff Connie Avaras, individually and on behalf of A.A., to file “a supplemental complaint in this action, limited to the issue of equities remanded to the IHO and appealed to the SRO” by January 6, 2020 (ECF No. 88); and,

WHEREAS, the Plaintiff requested a two-week extension to this deadline, in light of a recent departure of an attorney involved in the litigation from the Plaintiff’s firm, and the Court extended the filing deadline to January 20, 2020 on January 2, 2020 at the Plaintiff’s request (ECF No. 92); and,

WHEREAS, January 20, 2020 was Martin Luther King Jr. Day, a Federal holiday; and,

WHEREAS, the Plaintiff informed the Defendant of their intent to file on January 21, 2020 in light of the Federal holiday; and,

WHEREAS, Plaintiff then filed her Third Amended Complaint on January 21, 2020, naming as defendants “Clarkstown Central School District, Board of Education for the Clarkstown Central School District, New York State Education Department” (ECF No. 93); and,

WHEREAS, Plaintiff previously listed as plaintiffs in her Second Amended Complaint as “Connie Avaras & A.A.” (ECF No. 29); and,

WHEREAS, Plaintiff previously listed as defendants in her Second Amended Complaint as “Clarkstown Central School District, Board of Education, New York State

Education Department" (ECF No. 29); and,

WHEREAS, the Court's docket reflects the parties as set forth in the Plaintiff's Second Amended Complaint; and,

WHEREAS, the "Board of Education" named in the caption of the Second Amended Complaint is a reference to the "Board of Education for the Clarkstown Central School District," and,

WHEREAS, the Court gave notice that the Third Amended Complaint filed by the Plaintiff was deficient because (i) the caption of the pleading listed parties inconsistent with the parties listed on the docket and (ii) the filing was made January 21 rather than January 20,

IT IS HEREBY ORDERED that:

- (i) The clerks of the Court accept the Third Amended Complaint, as ^{timely} filed by the Plaintiff on January 21, 2020 (ECF No. 93); and, (NSR)
- (ii) The clerks of the Court modify the docket to match the Plaintiffs and Defendants listed by the Plaintiff on the caption of the Third Amended Complaint; and
- (iii) Defendants' time to file a response to the Third Amended Complaint is extended until March 5, 2020. (NSR)

Dated: New York, NY
January 22, 2020

WHITE & CASE LLP
1221 Avenue of the Americas
New York, NY 10020
(212) 819-2589

By: 
TAI H. PARK

Attorney for Plaintiff Connie Avaras, individually and on behalf of AA.

Dated: White Plains, NY
~~February~~ ^{January} 5, 2020

SO ORDERED:


Nelson S. Roman, U.S. D.J.